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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
AB-116UIn re Application of: **Todd K. Whitehurst et al.**Application No.: **10/081,820**Filed: **February 19, 2002**For: **Fully Implantable Miniature Neuro-Stimulator for Vagus Nerve Stimulation**

The owner*, **Advanced Bionics Corporation**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,725,475** as the term of said prior patent is defined in 35 U.S.C. 164 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

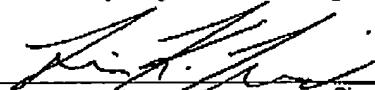
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2. The undersigned is an attorney or agent of record. Reg. No. **55,351**


January 6, 2006

Date

01/09/2006 STEUMEL1 00000012 180013 10081820

Signature

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130.00 DA

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Terminal disclaimer fee under 37 CFR 1.20(d) included.

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